



MOD 4 Alterations and Additions Visual Analysis

106, 120-122 Smith Street and 3A Charlotte
Street, Wollongong

Submitted to the Department of Planning, Housing and Infrastructure
on behalf of Urban Property Group

Prepared by Colliers Urban Planning

18 May 2026 | 2250978



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Colliers Urban Planning acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past and present.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

This document has been prepared by

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Contents

1.0	Introduction	6
2.0	The Site	6
3.0	Site Approval History	7
3.1	The Original Development Consent.....	7
3.2	The VIA.....	8
3.3	The Departments Assessment.....	10
3.4	Modification 1	10
3.5	Modification 2.....	10
3.6	Modification 3.....	10
4.0	The Proposal.....	10
5.0	Planning Framework.....	11
5.1	SEARs	11
6.0	Visual Analysis	12
6.1	The Draft UDF.....	12
6.2	Intent of the Draft UDF.....	12
6.3	Structure of the draft UDF.....	13
6.4	Vision of the draft UDF	13
6.5	Structure Plan.....	14
6.6	Building, Height and Scale.....	14
6.7	View Protection.....	15
6.8	Flinders Street South Sub-Precinct	16
7.0	Visual Analysis	18
7.1	The importance of Mt Keira	18
7.2	The Smith Street View Corridor.....	19
7.3	The Response of the Draft UDF.....	20
7.4	The Viewpoint Location	22
7.5	Analysis of UDF Viewpoint.....	24
8.0	Alternative Viewpoint.....	26
8.1	The Adjoining Public Space	26
8.2	Views to Mt Keira from this Public Space	26

Figures

Figure 1	Approximate boundaries of the site	6
Figure 2	Artist impression of the approved development	7
Figure 3	View of the approved development from the Throsby Drive Overpass.....	9
Figure 4	View of the approved development from the Prince Highway.....	9
Figure 5	The Flinders Street Precinct in the context of Wollongong.....	12
Figure 6	Indicative model of development enabled by the draft UDF.....	13
Figure 7	Draft UDF Structure Plan.....	14
Figure 8	Approach to building heights map.....	15
Figure 9	Flinders Street South sub-precinct - Recommended controls.....	16
Figure 10	Flinders Street South sub-precinct - Indicative built from.....	17
Figure 11	View from the summit of Mt Keira showing its connection between the escarpment and the sea	18
Figure 12	View corridor extract from the UDF, based on Google Street View, taken from the centre of Smith Street within the road reserve.....	19
Figure 13	Flinders Street South sub-precinct - Approach.....	20
Figure 14	View down the western part of Smith Street under the draft UDF.....	21
Figure 15	View from the Smith Street viewpoint under the draft UDF.....	21
Figure 16	Flinders Street South sub-precinct - Indicative built from.....	22
Figure 17	Draft UDF View Corridor from Smith Street showing the well-established tree in the public domain	23
Figure 18	Intersection of Princes Highway and Smith Street with Viewpoint Location Marked in Red	23
Figure 19	Proposed Flinders Street Precinct Layout	24
Figure 20	Draft UDF View Line with Future Massing of Development at Smith and Flinders Street	25
Figure 21	Aerial photograph of the new public space at the north-east corner of the Princes Highway, Smith Street and Keira Street	26
Figure 22	Mt Keira seen in the background of a view from the adjoining public space.....	27
Figure 23	View of Mt Keira seen from the adjoining part of the Princes Highway.....	27
Figure 24	Location of the viewpoint located in the adjoining public space	28
Figure 25	Comparison of Mt Keira view corridors.....	29
Figure 26	The proposal as seen from Viewpoint C.....	29

Tables

Table 1	SEARs issued for development consent SSD-67895459.....	8
Table 2	SEARs issued for development consent SSD-67895459.....	11

1.0 Introduction

In response to the draft 'Flinders Street Precinct Urban Design Framework' (the draft UDF) The Smith Street Development Partnership (the applicant) are proposing to amend the height of the approved shop top housing development with infill affordable housing (the proposal) on land located at 106 & 120-122 Smith Street and 3A Charlotte Street, Wollongong (the site).

Pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), Colliers Urban Planning on behalf of the applicant has submitted a modification application (SSD-67895459 MOD4) to the NSW Department of Planning, Housing and Infrastructure (the Department) seeking approval for this proposal.

This view analysis supports this modification application by addressing relevant view and visual impact matters.

2.0 The Site

The site is located at 106 & 120-122 Smith St and 3A Charlotte St, Wollongong within the Wollongong City Council Local Government Area (LGA) (refer below figure). It is 500m (approx.) north-west of Wollongong Central Shopping Centre and 630m (approx.) north of the Wollongong Railway Station.

It is located within the Flinders Street Precinct, the subject of the draft UDF.



 The Site



NOT TO SCALE

Figure 1 *Approximate boundaries of the site*

Source: Colliers Urban Planning

3.0 Site Approval History

3.1 The Original Development Consent

Development consent SSD-67895459 was granted by the Minister of Planning and Public Spaces on 4 April 2025 for renewal of the site for the purposes of a shop top housing development with infill affordable housing (refer below figure) comprising:

- Two 7 to 10-storey residential buildings with ground level retail/commercial uses
- 145 apartments (including 25 affordable housing apartments)
- Communal open space at podium and roof top level
- Two levels of above ground car parking with 183 car spaces
- Vehicular access from Smith Street and Charlotte Street with associated road upgrade works
- Publicly accessible through-site link and landscaping works.



Figure 2 Artist impression of the approved development

Source: COX Architecture

3.2 The VIA

In response to the relevant SEARs (refer below), the development application for which development consent SSD-67895459 was granted was supported by a Visual Impact Assessment (VIA) prepared by Colliers Urban Planning (formerly Ethos Urban) in collaboration with Rock Hunter and dated 8 May 2024.

Table 1 SEARs issued for development consent SSD-67895459

Issue	Assessment Requirements	Documentation
7. Visual Impact	Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development. Where the visual analysis has identified potential for significant visual impact, provide a visual impact assessment that addresses the impacts of the development on the existing catchment.	Visual Analysis Visual Impact Assessment

In response to submissions, a revised VIA was prepared by Colliers Urban Planning (formerly Ethos Urban) in collaboration with Rock Hunter and dated 26 November 2024.

The revised VIA concluded that subject to the recommended mitigation measures the proposal has acceptable visual and view loss impact for the following key reasons:

- Relative to what may be expected in the city centre with reference to permitted site height and FSR the proposal will not unduly obstruct significant views or views from the Flagstaff Hill lighthouse to the escarpment
- It will maintain existing linear views to the west along Smith Street
- Being for a high density residential, higher rise development, it is consistent with the key character intent of the surrounding precinct
- It will enhance the amenity of the site and surrounds
- It will not introduce new, non-characteristic or discordant or intrusive elements into the views available in the visual catchment
- Does not block or otherwise interrupt the existing view to Mt Keira from the intersection of the Princes Highway and Smith Street seen when exiting the city centre.

This conclusion was informed by a number of photos showing current views from selected key viewpoints in the surrounding public domain and photomontages showing the likely future view from the same viewpoints should the proposal be approved (refer figures below).



Figure 3 *View of the approved development from the Throsby Drive Overpass*

Source: Rock Hunter



Figure 4 *View of the approved development from the Prince Highway*

Source: Rock Hunter

3.3 The Departments Assessment

The Department assessment concluded that the proposal is acceptable as:

- 'it would support State government priorities to deliver well-located housing as it would deliver 120 market and 25 affordable housing apartments in an accessible location
- It provides shop top housing which is permissible with consent and consistent with the objectives of the Wollongong Local Environmental Plan 2009 E3 Productivity Support zoning
- It provides a bulk and scale which is compatible with the envisaged character of the area and an appropriate built-form relationship to adjoining developments
- It would not result in unreasonable overshadowing, visual, privacy, traffic or other amenity impacts on adjoining development or the public domain
- It would provide for 305 construction jobs and 30 operational jobs'.

3.4 Modification 1

Development consent SSDA-67895459-Mod-1 was granted by the Minister of Planning and Public Spaces on 31 July 2025. As stated by the Department, this modification involved the following:

- 'Loading dock modification, minor internal and external modifications'.

3.5 Modification 2

Development application SSD-67895459-Mod-2 is currently under assessment by the Department. As stated by the Department, this modification involved the following:

- 'Increase the 7-storey portion of Building 2 to 8 storeys and increase the total number of apartments from 145 to 150'.

3.6 Modification 3

Development application SSD-67895459-Mod-3 is currently under assessment by the Department. As stated by the Department, this modification involved the following:

- 'Minor internal and external alterations and additions, including amendments to facade materiality'.

4.0 The Proposal

The proposal is detailed in the supporting, separate 'Modification Report' prepared by Colliers Urban Planning. For the purposes of this report, the most relevant part of the modification is a proposed increase in the height on part of the northern building by 3 storeys.

5.0 Planning Framework

5.1 SEARs

The SEARs issued for development consent SSD-67895459 are shown in the below table. As can be seen, this requires consideration of visual impact. This report satisfies this requirement by enabling the Department to consider visual impact relevant to the scope of this modification application.

Table 2 SEARs issued for development consent SSD-67895459

Issue	Assessment Requirements	Documentation
7. Visual Impact	Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development. Where the visual analysis has identified potential for significant visual impact, provide a visual impact assessment that addresses the impacts of the development on the existing catchment.	Visual Analysis Visual Impact Assessment

6.0 Visual Analysis

6.1 The Draft UDF

On 27 October 2025, Wollongong City Council (council) resolved to endorse the draft UDF for public exhibition. Exhibition commenced on 3 November and concluded on 15 December 2025. It is noted that at the time of writing, Wollongong Council is still considering submissions and has not yet released an amended version for further consultation or formal adoption.

6.2 Intent of the Draft UDF

Due to a range of factors, including its strategic location near North Wollongong Station and the Wollongong CBD, the precinct is considered to have potential to help deliver a greater amount of jobs and homes. The purpose of the draft UDF is to guide future growth in the precinct to unlock this potential. As can be seen in the following figure, the draft UDF seeks considerable growth for the precinct.



Figure 5 *The Flinders Street Precinct in the context of Wollongong*



Figure 6 *Indicative model of development enabled by the draft UDF*

Source: Architectus

6.3 Structure of the draft UDF

The draft UDF guides this future growth in accordance with a range of parts, including a vision, design principles, position statements, structure plan, and sub-precincts.

6.4 Vision of the draft UDF

The vision seeks to position the precinct as a key arrival boulevard that contains a mix of uses as follows:

- 'The Flinders Street Precinct is the key arrival boulevard into the Wollongong City Centre. It is a place where a mix of businesses can thrive, while also supporting other uses such as apartment living, within a walk and cycle of North Wollongong Station, the city centre and the beach'.

It also establishes an intent for a greater scale of development:

- 'A mixed-use corridor of mid to high rise development will define Flinders Street, with active commercial uses fronting the street, tree lined setbacks, and apartments above. Gateway development at the southern end of Flinders Street creates a mixed use attractor and provides a transition to the city centre character further south'.

Other parts of the vision seek responsiveness to context. Of particular relevance to this visual analysis is the introduction of aspirations for views:

- 'The Flinders Street Precinct responds to its unique context along Fairy Creek and with Mount Keira, Mount Kembla and the escarpment overlooking, acknowledging Aboriginal cultural and spiritual connections'.

As can be seen and is recognised in the draft UDF, this establishes a tension between enabling development in accordance with the precinct's potential to support jobs and homes, and protecting views. The tension between development and views continues throughout the design principles, position statements, and is clearly shown in Figure 10 'Structure plan' (refer below).

6.5 Structure Plan

The structure plan introduces the concept of view corridor originating from the centre of Smith Street within the centre of the road reserve, at the intersection with Princes Highway and Keira Street traversing, and therefore impacting, the block bound by Throsby Drive to the north, Princes Highway to the east, Smith Street to the south, and the railway to the west.

However, this block is also included in the MU1 Mixed Use zone and E3 Productivity Support zone, and partly supports:

- 'Key sites'
- 'Key activity node'
- 'Key marker buildings.'

The view corridor traverses parts of the key sites, and key activity node.'

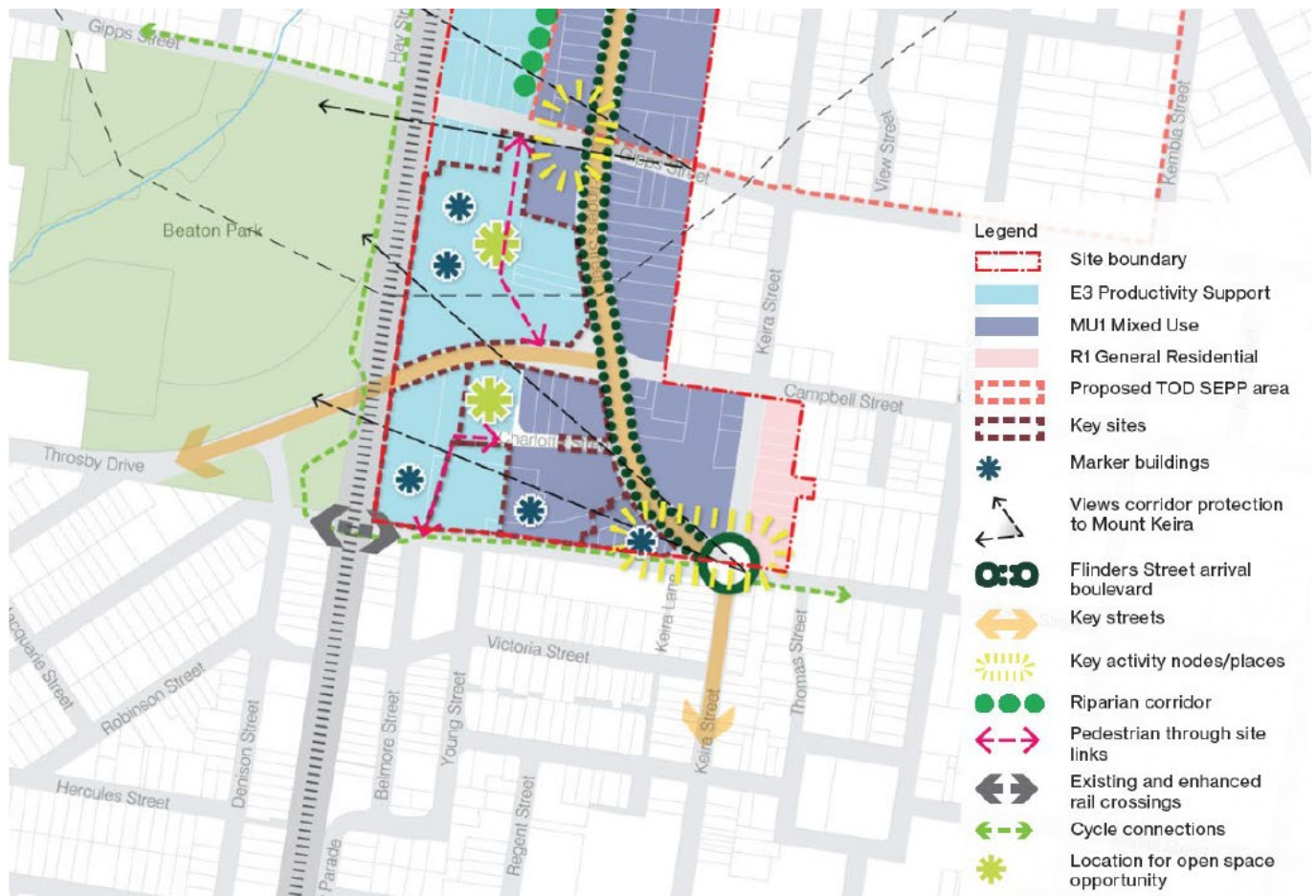


Figure 7 Draft UDF Structure Plan

6.6 Building, Height and Scale

This tension is also reflected in the key principles and controls for section 3.2 'Building height and scale' (page 27):

- 'Ensure that built form height and scale responds to the nominated view protection corridors to Mount Keira (see 3.4 view Protection for further detail)
- Support marker towers across the precinct, ranging between 12-15 storeys to act as key buildings that help to anchor and distinguish the precinct.
- Provide increased height along Smith Street of up to 15 storeys, to integrate with the existing height corridor and transition to the city centre context.
- Ensure that areas with increased height provide well-separated tower forms that maximise solar and visual amenity, and opportunities for deep soil and landscaping at ground'.

- Consistent with its preferred role and character under the draft UDF, supporting Figure 14 'Approach to building heights map' introduces the concept of a 'height corridor' along Smith Street.

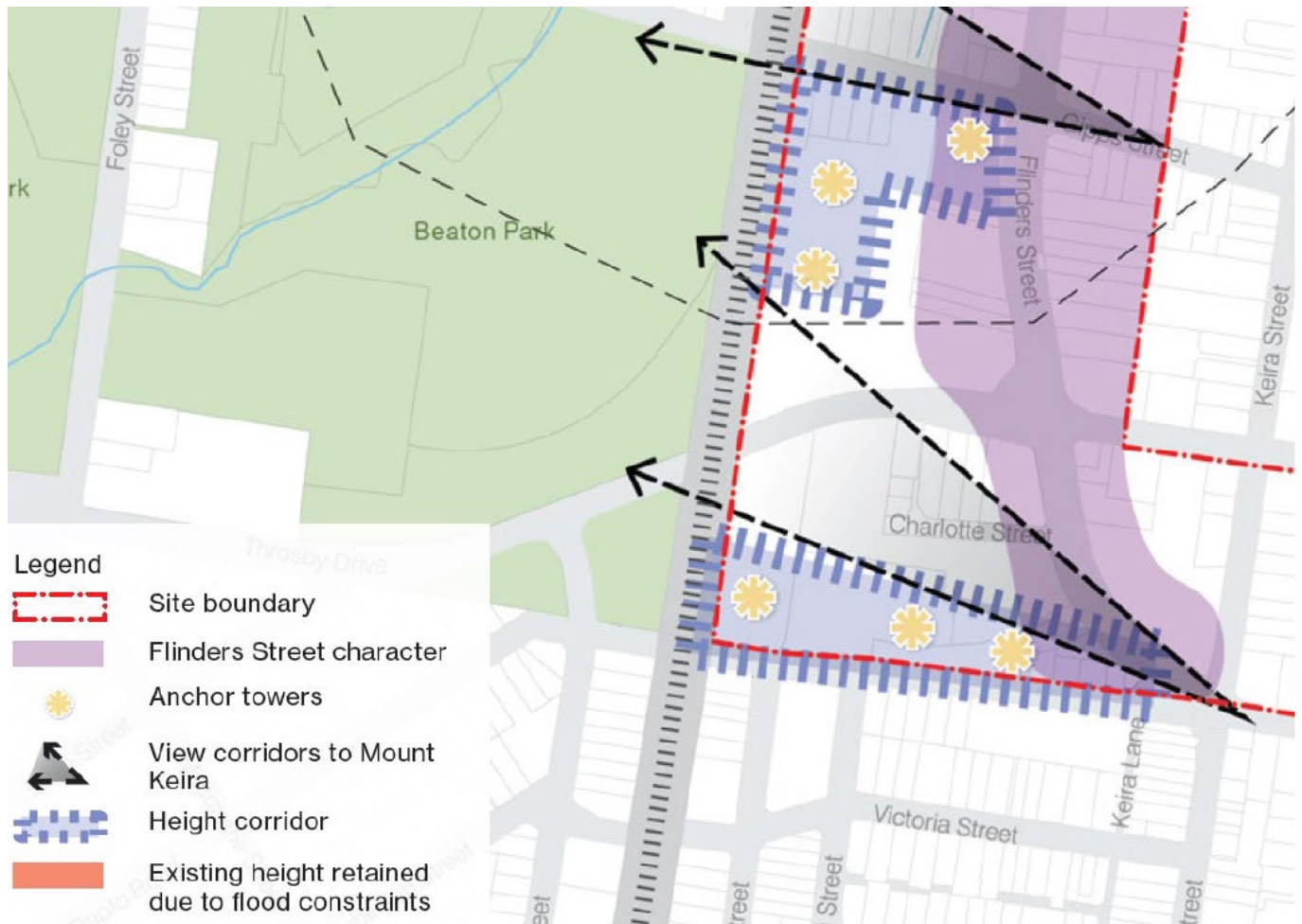


Figure 8 Approach to building heights map

6.7 View Protection

Section 3.4 'View protection' provides further detail on views. This introduces the concept of 'building height and upper-level setback requirements' to ensure that key view corridors are retained'. This impacts a small part of the site.

While the draft UDF is not supported by proposed amendments to the Wollongong Local Environmental Plan 2009 (the LEP) or Wollongong Development Control Plan 2009 (the DCP) to enshrine their introduction, the proposed base mapped building height is to be 24m for land within the view cone (which is the existing height limit), and 40m for land outside the view cone. To protect views, the section also encourages slender buildings, and building separation:

- 'Encourage slender buildings and appropriate separation to ensure that intermittent views to Mount Keira, Mount Kembla and the escarpment can be provided between buildings'.

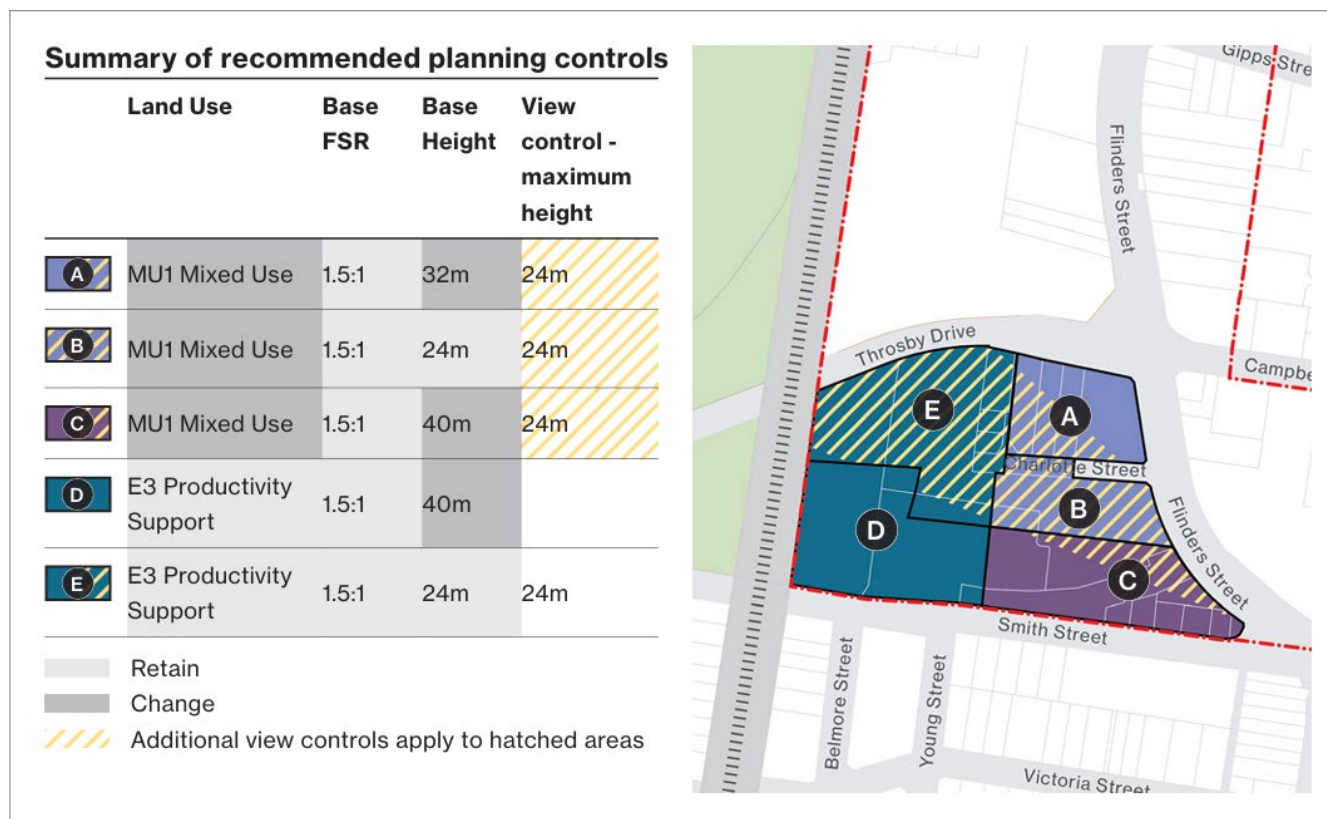


Figure 9 *Flinders Street South sub-precinct - Recommended controls*

Enabling intermittent views of high value landscape elements such as this are common planning and design techniques in areas planned to accommodate significant change, including taller buildings. In particular, it avoids sterilising or considerably reducing the capability of land to help deliver on new jobs and homes by striking a balance between these outcomes and contextually appropriate development that is responsive to these elements. Furthermore, it is a more balanced tactic for enabling views obtained in a more dynamic way from roads such as Smith Street. This is in contrast to views obtained from important and designated locations in the public domain supported by infrastructure that assists in their static appreciation. In the Wollongong context, this includes views obtained from Flagstaff Hill.

6.8 Flinders Street South Sub-Precinct

The site is included in the Flinders Street South sub-precinct. The statement of desired future character for this sub-precinct is as follows:

- 'The Flinders Street South sub-precinct reinforces the southern mixed-use node within the precinct. The sub-precinct provides significant commercial and housing opportunities close to Wollongong City Centre. Anchored by the Collegians Club, the sub-precinct provides retail, and entertainment uses away from the busy Flinders Street and supports destination offerings that attract people to the precinct. Variation in building height protects views towards Mount Keira as you exit Wollongong City Centre'.

This statement confirms the intent for 'significant commercial and housing opportunities. It also introduces the concept of 'destination offerings', which infers development of significance. The statement also confirms the role of the sub-precinct as a marker for existing the Wollongong City Centre.

Further guidance that supports development of scale includes:

- 'Rezone the eastern portion of the sub-precinct to M1 Mixed Use reinforcing the mixed use character of the Flinders Street corridor
- Create a height corridor along Smith Street with a 40m base height, integrating with adjacent controls to the south and reinforcing the transition to a city centre character
- Enable additional height at the corner of Flinders Street and Throsby Drive with a base height of 32m
- Support a slender marker tower at the corner of Flinders and Smith Streets, signifying the southern entry point into the Flinders Street Precinct and transition to the city centre.

- Reinforce the mixed use node at the intersection of Flinders, Smith and Keira Streets and support a mix of retail activation that attracts people to the precinct.
- Nominate the sub-precinct as a key site that can deliver high quality development including activation opportunities, through site links and open space’.

Further guidance for view protection is as follows:

- ‘Protect the view corridor to Mount Keira from Smith Street, near the intersection with Keira and Flinders Street
- Built form directly within the view corridor e.g. a portion of the Collegian Club site, and land at the northwest corner of the sub-precinct along Throsby Drive, is limited to 24m (approximately 6 storeys) to retain views to Mount Keira
- Development at the corner of Flinders and Smith Street to be slender and setback to ensure the view corridor is maintained
- Ensure that the visual bulk and scale of new development is minimised within and adjacent to key view corridors to Mount Keira and Mount Kembla. Provide well-separated and slender built form. Development proposals to provide a visual impact assessment’.

As noted above, the draft UDF recommends a height corridor along Smith Street with a 40m base height.

It is however further noted that Figure 37 ‘Flinders Street South sub-precinct - Recommended controls’ shows a lower base height of 32m. While this is greater than the current LEP height of 24m (NSW Planning Portal, accessed 25 November 2025). This table shows that application of the view protection provisions results in a reduction of base height from 32m to 24m for that part of the sub-precinct impacted by the view corridor.

The following figure shows indicative built form enabled by the draft UDF for the sub-precinct. In addition to greater scale of development, including height, the following elements can clearly be seen:

- The approved scheme (in light yellow)
- Slender marker tower at the corner of Flinders and Smith Streets
- ‘Location for open space’ at the end of Charlotte Street and a corresponding absence of built form at the referenced north-west corner of the sub-precinct intended to provide for views to Mt Keira.



Figure 10 *Flinders Street South sub-precinct - Indicative built form*

7.0 Visual Analysis

As part of this visual analysis, detailed study of the Smith Street view corridor was undertaken.

7.1 The importance of Mt Keira

This was informed by the Appendix A 'Analysis' of the draft UDF. Review of the appendix has shown the importance of Mount Keira to the Wodi Wodi People, and in particular its connection between the escarpment and the sea (refer below figure).



Figure 11 View from the summit of Mt Keira showing its connection between the escarpment and the sea

We also note the appendix addressing the possibilities renewal of the precinct may provide for the future:

- 'The Flinders Street Precinct holds particular significance for the Wodi Wodi community, whose ancestral ties to the land offer a unique lens through which the zoning decisions should be evaluated. Maintaining the E3 Productivity Support Zoning could preserve the connection to the land's historical and cultural narratives, ensuring that Aboriginal values are embedded in its future use. Conversely, transitioning parts of the precinct to mixed or residential zoning could accommodate evolving urban needs while still respecting and integrating Aboriginal heritage through thoughtful planning and community consultation'.

7.2 The Smith Street View Corridor

Section A.8 'Topography and views' identifies that the Smith Street view corridor is 'important to retain and celebrate'. It provides further detail as follows:

- 'The intersection at Flinders, Smith and Keira Streets is a key junction signalling the transition into the Wollongong City Centre. Smith Street is also a key east-west connection for vehicles, pedestrians and cyclists.'
- 'Mount Keira can be seen when travelling north along Flinders Street and is a key visual marker exiting Wollongong. Currently a wide view towards Mount Keira can be appreciated from this junction, however recent proposals on sites along the railway corridor partially blocks the escarpment. Significantly, future development on sites along Flinders Street between Throsby Drive and Smith Street may have a considerable impact on this view.'

The extent and nature of the current view is shown in the below Google Street View contained in Pages 42 - 45 of the Draft UDF.



Figure 12 View corridor extract from the UDF, based on Google Street View, taken from the centre of Smith Street within the road reserve.

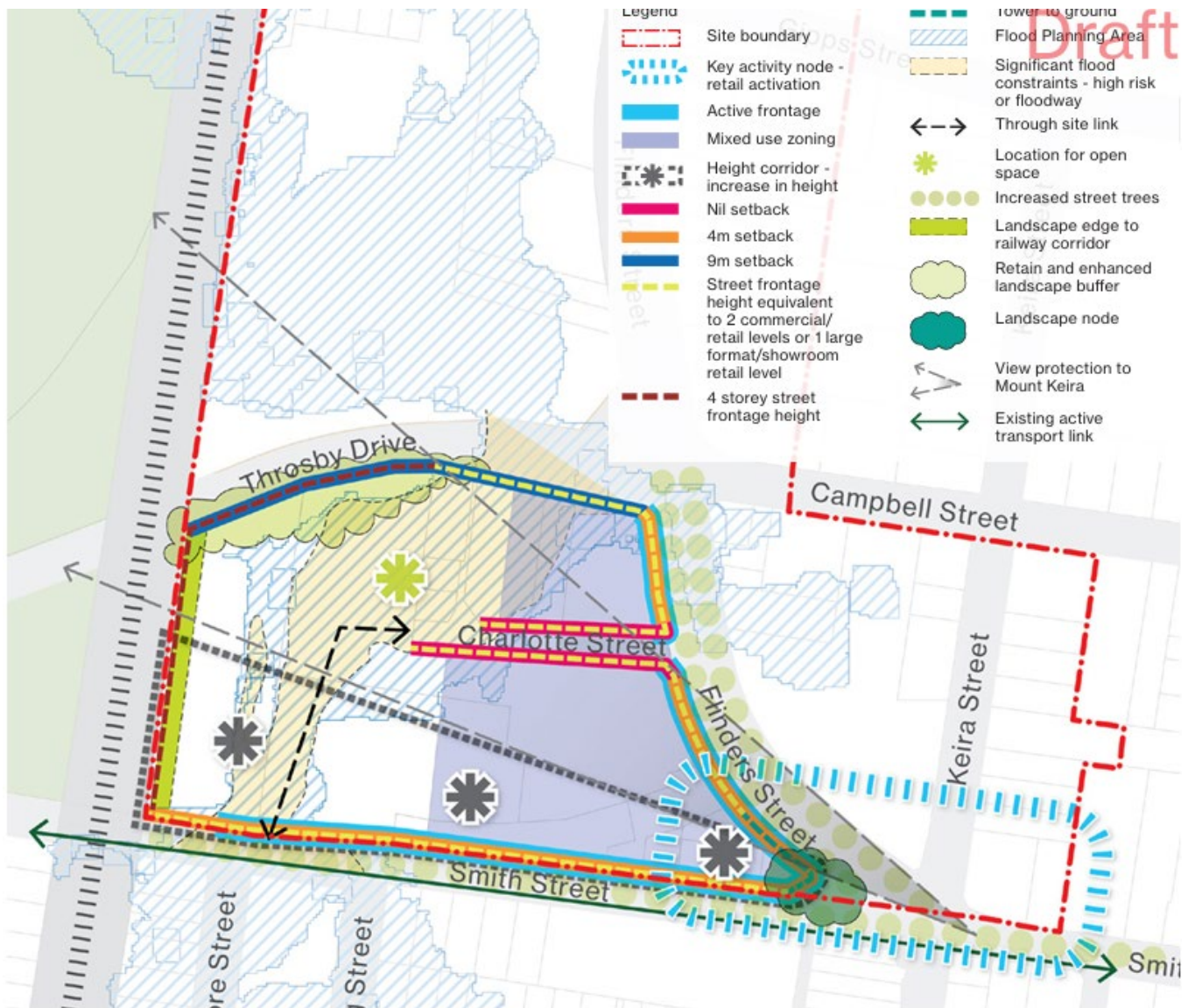


Figure 13 Flinders Street South sub-precinct - Approach

7.3 The Response of the Draft UDF

The below figure shows how the draft UDF proposes to treat the sub-precinct. As can be seen, considerable scale of development including taller buildings is enabled. The numbers 26 in the figure denote where reduced heights of 24m (approx. 6 storeys) may be appropriate to preserve views to Mt Keira.

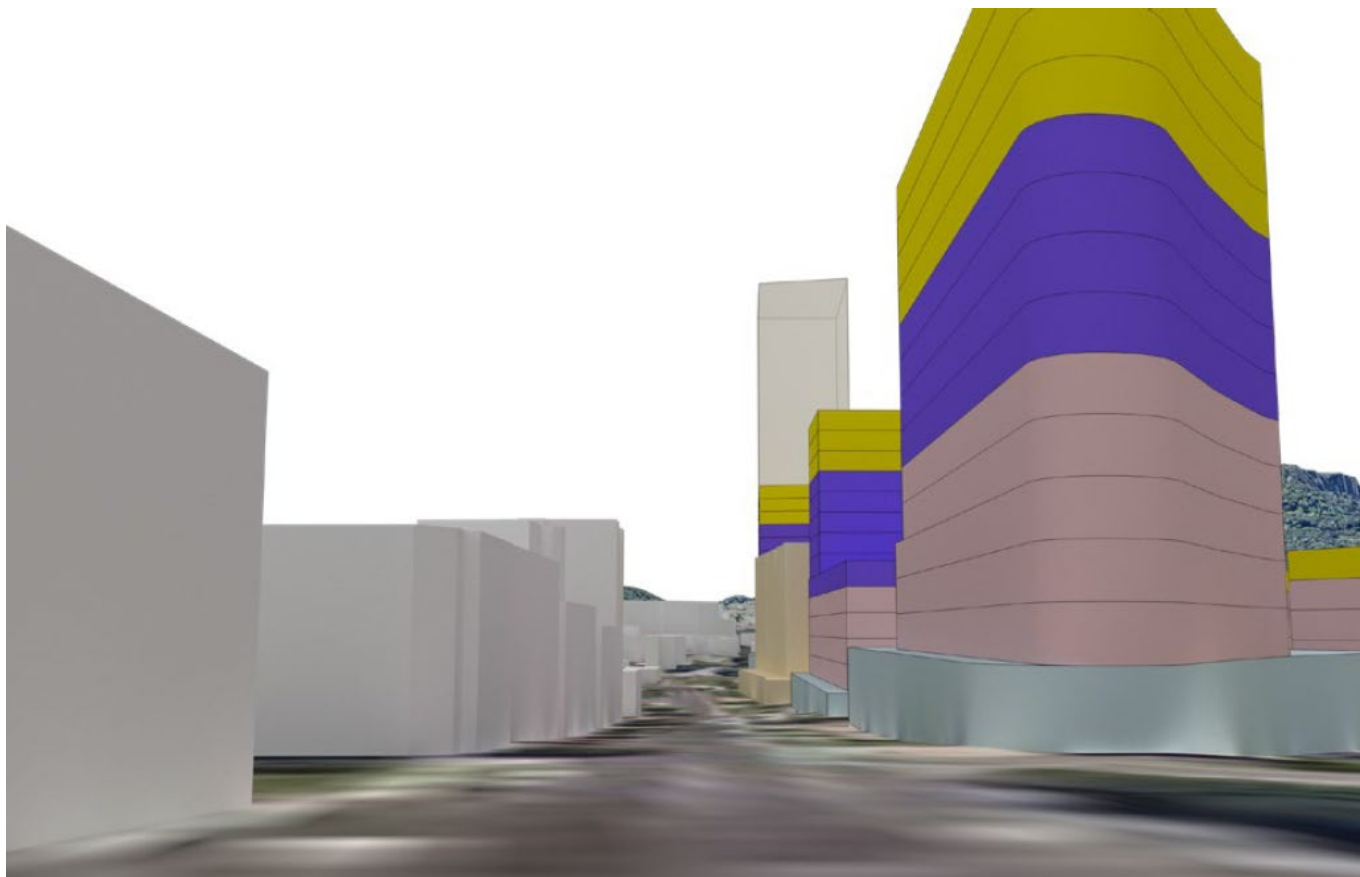


Figure 14 View down the western part of Smith Street under the draft UDF

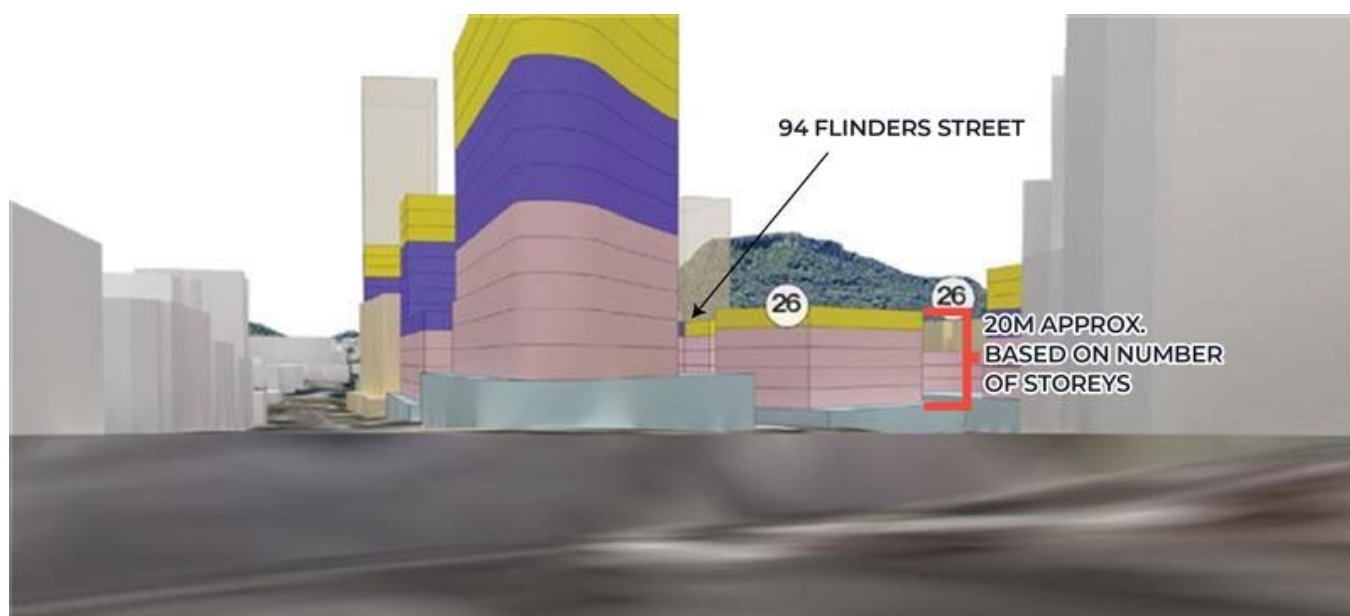


Figure 15 View from the Smith Street viewpoint under the draft UDF

As seen in **Figure 15** above, the development site at 94 Flinders between the tall tower on the corner of Smith and Flinders Street and Building 26 has not been included in this massing. This site is of considerable size and is clearly distinct from the Collegians Club landholding. This Site is assumed to be developed in any future context scenario, and its exclusion materially understates the built form and cumulative urban outcome of the precinct.

The building envelopes shown do not reflect the applicable planning controls. The height appears to be modelled at around 20 metres instead of the 24 metres identified in the UDF. Similarly, the setbacks to Flinders Street are exaggerated, shown at approximately 12 metres rather than the 4 metres prescribed by the DCP. As a result, the model does not accurately represent the planning framework, leading to an unrealistic depiction of the future streetscape and

development potential. Please refer **Figure 16** for further detail of massing of the indicative built form of the Flinders Street South Sub-Precinct.



Figure 16 *Flinders Street South sub-precinct - Indicative built form*

7.4 The Viewpoint Location

The Draft UDF identifies a key view corridor towards Mount Keira from Smith Street at the intersection with Keira and Flinders Streets.

This identified view corridor is not well positioned to provide a pleasant and consistently experienced vantage point to view Mt Keira. The viewpoint is located within the middle of the road at the intersection of Smith and Flinders Streets which is used as a major north-south connection for vehicle movement. This chosen spot would not be considered an adequate location to experience the views of Mt Keira as this is not a realisation or safe location, particularly given the need for pedestrians to remain focused on crossing movements, traffic signals, and vehicle interactions rather than engaging with distant visual landmarks. Consistent with established Visual Impact Assessment (VIA) principles, the visual sensitivity of viewers in this context is low, as attention is predominantly directed toward driving tasks rather than appreciation of visual amenity.

From a practical perspective, the corridor also has limited relevance for motorists. This section of Smith Street operates as an eastbound-only carriageway, meaning drivers are not oriented toward the view in a way that enables proper viewing of Mt Keira. Further limiting its effectiveness, an established plantings of street trees within the public domain already obstructs views toward Mount Keira from this location. While the tree is deciduous, it provides substantial screening of views during leaf-on periods and continues to partially filter views outside of these periods. This existing vegetation materially reduces the extent and clarity of views toward the subject site, further limiting potential visual impact. This viewpoint is not a clear or practical place to view Mt Keira and the Escarpment making the need for an alternate viewpoint necessary.



Figure 17 Draft UDF View Corridor from Smith Street showing the well-established tree in the public domain



Figure 18 Intersection of Princes Highway and Smith Street with Viewpoint Location Marked in Red

Source: Nearmap

7.5 Analysis of UDF Viewpoint

Further analysis has been undertaken by Rock Hunter to assess the visual impact of the proposed modification from the identified viewpoint in Wollongong Councils Draft UDF. A review of Councils preferred view further south along Flinders Street has been conducted and is discussed below. The findings of this additional viewpoint shows that the site will be screened by future developments in the Flinders Street South Sub-Precinct.

Consideration of built form controls in the Flinders Street South Sub-Precinct identifies:

- A 24m building height at the corner of Smith and Flinders Streets
- A 4m setback along Smith Street and Flinders Street



Figure 19 Proposed Flinders Street Precinct Layout

Source: Rock Hunter

With reference to the above considerations and noting:

- The scale and location of the modification built form
- The north-western view direction; and
- The distance between the viewpoint location and the proposed modification

The following photomontage shows:

- The MOD 4 envelope (in pink outline).
- UDF view cone lines (in light blue outline).
- Indicative built form enabled by the draft UDF (in blue outline), however for assessment purposes limited to no greater than 24m in building height.
- Mt Keira ridgeline (in orange).

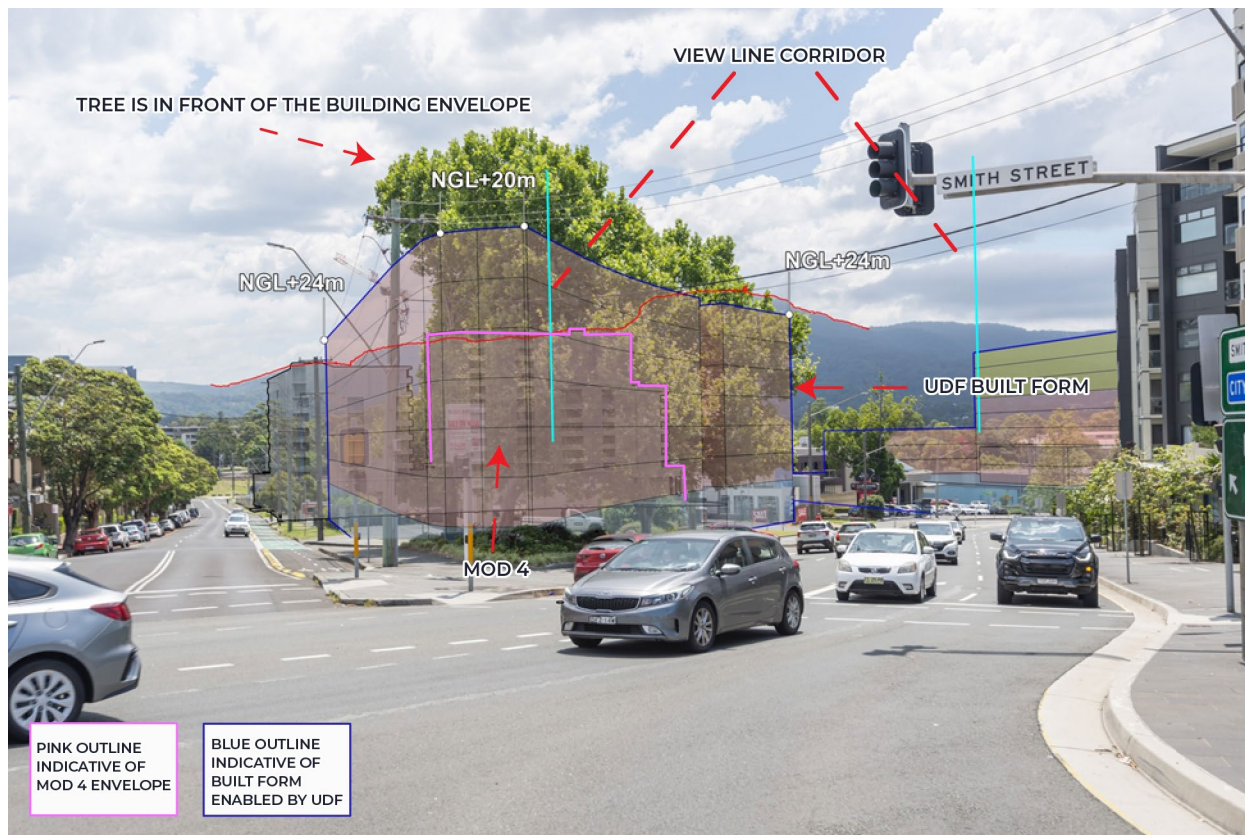


Figure 20 Draft UDF View Line with Future Massing of Development at Smith and Flinders Street

Source: Rock Hunter

It is the findings of this report that the proposed modification would be visually blocked in its entirety by potential future development of the corner site when viewed from the corner of Smith and Flinders Streets as demonstrated in the below photomontage.

The additional floors proposed in MOD 4 will not be visible from the UDF viewpoint in the future Flinders Street Precinct context or the existing controls which permit up to 24m buildings. This remains the case even if future buildings do not receive a 30% AH bonus and stay below the 24m view cone height, which aligns with the existing height limit. Furthermore, future context buildings are positioned behind an existing cluster of mature trees, which fully obscures the proposal from the UDF view corridor.

It should also be noted that as surrounding sites are developed in the future, views through the subject site toward Mount Keira from this location will already become increasingly limited. Therefore, the proposed modification will not create any additional or unreasonable visual impacts beyond those already anticipated as part of the broader evolving precinct.

8.0 Alternative Viewpoint

8.1 The Adjoining Public Space

Conversely, as is shown in the below figure, renewal of the site at the north-east corner of the Princes Highway, Smith Street and Keira Street has created a generous sized and high-quality public space that is aligned with a signalised crossing of the Princes Highway, and a marked pedestrian crossing of Keira Street.



Figure 21 *Aerial photograph of the new public space at the north-east corner of the Princes Highway, Smith Street and Keira Street*

In terms of VIA practice, it is not only the nature and extent of views that is a key consideration, but also the characteristics of the viewing location. Viewing locations that are in the public domain, well used, and are accessible by pedestrians typically have greater weight than those obtained from roads. As such, this location is considered to have greater weighting in a VIA context than the current viewpoint. It is also considered sufficiently proximate to the current viewpoint to reasonably represent the general location.

8.2 Views to Mt Keira from this Public Space

As can be seen in the figures below, a generous view of Mt Keira is obtained from this location. While noting that most people in vehicles will have reduced interest in views and visual amenity, it is also noted that this view is directly aligned with the line of sight obtained when travelling north on the Princes Highway.



Figure 22 Mt Keira seen in the background of a view from the adjoining public space



Figure 23 View of Mt Keira seen from the adjoining part of the Princes Highway

As such, consideration was given to the nature and extent of views obtained from this viewpoint as marked as 'C' in the below figure.



Figure 24 Location of the viewpoint located in the adjoining public space

Source: Rock Hunter

The figure below prepared by Rock Hunter shows:

- The approved consent in outline
- The proposed modification in colour
- The draft UDF view corridor in solid grey
- The southern extent of the view of Mt Keira from this location as a green line
- An alternative view corridor as a pink line.

As can be seen, the southern extent of the view of Mt Keira from this location denoted as a green line does not impact the proposed modification. Furthermore, while there is minimal difference in the area between the draft UDF view corridor in solid grey and the alternative view corridor as a pink line, the alternative view corridor is less impactful on the proposed modification.



Figure 25 Comparison of Mt Keira view corridors

Source: Rock Hunter



Figure 26 The proposal as seen from Viewpoint C

Source: Rock Hunter

This view corridor enables retention of a high-quality line of sight to Mt Keira from the key activity node as denoted in the draft UDF Structure Plan. Importantly, the southern boundary intersects with the location where the more gently sloping lower slopes of Mt Keira intersect with its more steeply sided upper slopes. This enables:

- Mt Keira to be recognised and appreciated as a distinct, individual landscape feature
- Full visibility of the upper slopes (including its cliff faces) of Mt Keira that contribute strongly to its natural landmark status.

Other key aspects of the draft UDF Structure Plan view corridor, including viewing direction to the north-west, and width (19.3m approx.) are maintained.

The critical importance of being able to recognise and appreciate landmarks (eg, Mt Keira) as distinct, individual landscape features is reflected in NSW Land and Environment Court planning principles and best practice international implementation.

The NSW Land and Environment Court planning principle for views (impact on public domain views) established by Moore SC and Adam AC in their judgement in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046 states as follows:

- 'The fundamental quantitative question is whether the view that will remain after the development (if permitted) is still sufficient to understand and appreciate the nature of and attractive or significant elements within the presently unobstructed or partially obstructed view. If the view remaining (if the development were to be approved) will be sufficient to understand and appreciate the nature of the existing view, the fundamental quantitative question is likely to be satisfied'.

A large part of the 'London View Management Framework' (Greater London Authority, 2012) which seeks to protect views to world heritage landmarks such as St Paul's Cathedral, focusses on ensuring development retains a person's ability to 'recognise and to appreciate' these landmarks:

- 'The phrase 'recognise and appreciate' is used throughout this document as a standard measure for maintaining adequate visibility of a landmark. The word 'recognise' is a quantitative measure and concerns the ability of the viewer to see critical parts of a landmark that make up its recognisable composition. The clarity of the landmark will be affected by a number of factors including distance, weather and atmospheric conditions. The word 'appreciate' is a qualitative measure that concerns the way a landmark is perceived. This will be affected by its relationship to other objects nearby in the townscape, the space around the landmark, and the degree to which objects in the foreground, middle ground and background interrupt the visual enjoyment of it'.

Capping the height of development within the areas defined by the orange and pink lines achieves this outcome. As noted, the proposed modification's position relative to the orange line maintains adequate visual curtilage around the iconic, steeper upper slopes of Mt Keira.

9.0 Conclusion

The following grounds support the proposed modification having minimal visual impact:

- It is located to the rear of the site in relation to Smith Street
- It is limited in physical extent, including height and overall scale compared to the development for which consent was originally granted
- It will be in large part screened from view from other parts of the public domain by existing context and future development enabled by the LEP and the draft UDF.

These support the findings of the original SSDA when determining acceptability of visual impact:

- 'Relative to what may be expected in the city centre with reference to permitted site height and FSR the proposal will not unduly obstruct significant views or views from the Flagstaff Hill lighthouse to the escarpment
- It will maintain existing linear views to the west along Smith Street
- Being for a high density residential, higher rise development, it is consistent with the key character intent of the surrounding precinct
- It will enhance the amenity of the site and surrounds
- It will not introduce new, non-characteristic or discordant or intrusive elements into the views available in the visual catchment'.

It is the conclusion of this report that the proposed MOD 4 will not result in any adverse visual impact when considered against both the existing context and future context of the Flinders Street Precinct.

When considered from the Wollongong Councils Draft UDF identified viewpoint, the proposed modification is positioned behind an existing cluster of mature trees, which fully visually obscures the modification when view from this view corridor.

Future development within the Flinders Street South Sub-Precinct, will introduce intervening buildings that will result in visually blocking the proposed modification from the UDF identified viewpoint. This remains the case irrespective of whether additional height incentives, such as affordable housing bonuses are proposed. As Flinders Street Precinct develops into its future desired character, views of Mt Keira through the precinct will be reduced due to this added built form. Therefore, the proposed modification will not result in any additional visual impacts beyond those already expected within the planned future context.

Furthermore, visual analysis from the identified alternative viewpoint further south along Flinders Street also demonstrates that the proposed modification will not impact the crown of Mt Keira and will maintain the visual interest of the of the ridgeline of the Escarpment that is so unique to the Illawarra region